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November 9, 2007

By ECF

Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *Johnson v. City of New York, et. al.,*
 07 CV 5805 (RJS)**

Dear Judge Sullivan:

Our firm represents the plaintiff in the above captioned action. I write to request that the pre-motion conference scheduled for November 13, 2007, be cancelled as moot.

On October 31, 2007, defendant City of New York wrote to the Court requesting a the conference in anticipation of moving to dismiss the action on the ground that it is an improper party. Plaintiff has today filed a voluntary dismissal of the action against defendant City of New York pursuant to Fed. R. Civ. P. 41(a)(1). Parenthetically, the plaintiff is not dismissing its claims against any of remaining defendants.

Accordingly, defendant City of New York's contemplated motion to dismiss is now moot, and there is no basis for the scheduled conference.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Michael B. Lumer (ML-1947)

cc: Jennaydra D. Clunis, Esq. (By ECF)
 Kristen Nolen, Esq. (By ECF)
 Francine Menaker, Esq. (By ECF)